

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

No. 7:13-CR-00056-F-1

No. 7:16-CV-00034-F

BRANDON MITCHELL SMITH ,)
)
 Petitioner,)
)
 v.)
)
 UNITED STATES OF AMERICA,)
)
 Respondent.)

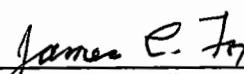
O R D E R

This matter is before the court on Brandon Mitchell Smith's Motion to Vacate, Set Aside, or Correct Sentence pursuant to 28 U.S.C. § 2255 [DE-26, -28]. Having examined Smith's motion pursuant to Rule 4(b) of the Rules Governing § 2255 Proceedings, the United States Attorney is DIRECTED to file an Answer pursuant to Rule 5, Rules Governing § 2255 Proceedings, or to make such other response as appropriate to the above-captioned § 2255 Motion to Vacate, Set Aside or Correct Sentence, within **forty (40)** days of the filing of this order.

Smith asserts challenges based on *Johnson v. United States*, 135 S. Ct. 2551 (2015), and Smith previously qualified for appointed counsel. Therefore, the Office of the Federal Public Defender is appointed to represent Smith to determine if he may qualify for post-conviction relief, pursuant to Standing Order No. 15-SO-2 (E.D.N.C. Oct. 16, 2015).

SO ORDERED.

This 75th day of March, 2016.



JAMES C. FOX
SENIOR UNITED STATES DISTRICT JUDGE